

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. In the Office Action dated February 29, 2008, all claims were rejected on prior art. By this reply, reconsideration of this application is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1 and 7 under 35 U.S.C. § 102(b) for alleged anticipation over WO 97/32437 to Oshima et al. ("Oshima"). For purposes of explanation, the Examiner makes reference to the EP 1693844 A2 document for an English language version. Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. See *M.P.E.P.* § 2131; *M.P.E.P.* § 706.02.

Claim 1 includes, *inter alia*, image data generating apparatus for generating image data of a predetermined data format from a plurality of images corresponding to a plurality of viewpoints. There is an information generating means for generating two kinds of information. It generates an integration information that indicates whether images from different viewpoints have been integrated or not. It also generates an image placement information that indicates a

placement mode of the images from different viewpoints when the images are integrated. The data format includes the integration information and the image placement information.

The rejection implies that Figure 4 of Oshima shows image placement information that indicates a placement mode of the images from different viewpoints when the images are integrated. To the contrary, Figure 4 shows address information for where to find stored video data. It neither indicates a placement mode of the images from different viewpoints, nor does it indicate what the placement mode will be when the images are integrated. Oshima does not even disclose that there can be different placement modes, much less that they should be assigned image placement information that selects one placement mode from among a variety of available placement modes. Likewise, claim 7 requires an analyzing means that analyzes an integration information that indicates whether an image placement information that indicates a placement mode of the images having been integrated, and reproduces the plurality of images using the integration information and the image placement information. The address information in Figure 4 is not indicative of a placement mode of the images that have been integrated. It is merely an indication of where to get the video data, not how to place it based upon a placement mode. It is submitted that since all of the claim limitations are not present in the reference, a *prima facie* case of anticipation has not been established. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

All of the remaining claims, 2-6 and 8-12, have been rejected under 35 U.S.C. § 103(a) for alleged obviousness over Oshima in view of EP 0971261 A2 to Matsuo et al (“Matsuo”). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. *See M.P.E.P.* § 706.02(j); *M.P.E.P.* 2141-2144.

Claims 2-6 and 8-12 depend upon claims 1 and 7. They require the limitations of claims 1 and 7 discussed above and which are not shown by Oshima, and they add more specific limitations about the image placement information which is generated by the image generating means or analyzed by the analyzing means.

The rejection indicates that Matsuo teaches, referring to paragraph 0055 and Figure 9, image placement information which is information on the placement mode in which the viewpoint images are positioned by rotation by a predetermined angle. To the contrary, paragraphs 0053-0055 etc make it clear that the direction setting table 707 is used to generate data to be stored, but neither the codes nor the information is stored. The codes and information is merely used by the algorithm to generate the matrix of video data to be stored. Moreover, in addition to failing to teach the storage of placement mode information, Matsuo also does not teach the storage of integration status information. Therefore, Matsuo cannot remedy the defects of Oshima discussed above with respect to claims 1 and 7, and since the secondary reference to Matsuo neither discloses nor suggests the storage of both the integration and placement mode information, as recited in claims 2-6 and 8-12, the Office Action fails to make out a *prima facie* case of obviousness of the subject matter recited in currently pending claims 2-6 and 8-12.

Accordingly, reconsideration and withdrawal of this rejection of claims 2-6 and 8-12 are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

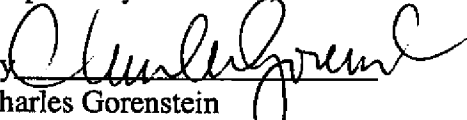
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: May 28, 2008

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant